

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 13

Bill No. 64-09

Mr. John Olszewski, Sr., Councilman

By the County Council, August 3, 2009

A BILL
ENTITLED

AN ACT concerning

Unsolicited Advertising Circulars

FOR the purpose of prohibiting the delivery of certain unsolicited advertising circulars to any residential address in the County unless the circular contains a certain notice; ~~prohibiting the placement of such circulars on motor vehicles~~; defining terms; providing penalties for violations; providing for enforcement of the law; and generally relating to the delivery of unsolicited advertising circulars.

By adding

Sections 21-19-101 to 21-19-105
Article 21 - Permits, Licenses, and Business Regulation
Title 19 - Unsolicited Advertising Circulars
Baltimore County Code, 2003

WHEREAS, the County Council finds that the distribution of unsolicited written commercial advertising information may be injurious to the public health, safety and welfare because the accumulation of such unsolicited materials dirties the streets and sidewalks and also identifies temporarily vacant residences as potential targets for burglary, vandalism and other crimes; now therefore

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 21-19-101 to 21-19-105 be and they are hereby added to
3 Article 21 - Permits, Licenses, and Business Regulation, Title 19 - Unsolicited Advertising
4 Circulars, of the Baltimore County Code, 2003, to read as follows:

5 TITLE 19. UNSOLICITED ADVERTISING CIRCULARS.

6 21-19-101. DEFINITIONS.

7 (A) DEFINITIONS. IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) UNSOLICITED ADVERTISING CIRCULAR. "UNSOLICITED ADVERTISING
10 CIRCULAR" MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM
11 THE PREDOMINATE PURPOSE OF WHICH IS:

12 (1) TO ADVERTISE ONE OR MORE PRODUCTS, SERVICES, OR OTHER THINGS
13 FOR SALE, LEASE, OR TRADE;

14 (2) TO DIRECT ATTENTION TO ONE OR MORE BUSINESSES, COMMODITIES,
15 SERVICES, EVENTS, OR OTHER ACTIVITIES FOR WHICH A FEE IS CHARGED OR
16 SOLICITED; OR

17 (3) OTHERWISE TO PROMOTE ACTIVITY OF A BUSINESS OR COMMERCIAL
18 NATURE.

19 (C) DELIVER. "DELIVER" MEANS TO THROW, PLACE, OR DEPOSIT. THE TERM DOES
20 NOT INCLUDE DELIVERY BY MEANS OF THE UNITED STATES POSTAL SERVICE OR
21 A PRIVATE MAIL DELIVERY SERVICE.

22 (D) DIRECTOR. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
23 PERMITS AND DEVELOPMENT MANAGEMENT OR HIS DESIGNEE.

24 (E) PUBLISHER. "PUBLISHER" MEANS THE PERSON RESPONSIBLE FOR THE
25 PUBLICATION OF AN UNSOLICITED ADVERTISING CIRCULAR.

26 21-19-102. SCOPE.

27 THIS TITLE APPLIES TO A PUBLISHER THAT DELIVERS MORE THAN ONE
28 UNSOLICITED ADVERTISING CIRCULAR TO A RESIDENTIAL ADDRESS IN THE
29 COUNTY WITHIN ANY SIX-MONTH PERIOD.

1 21-19-103. DELIVERY PROHIBITED.

2 (A) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
3 UNSOLICITED ADVERTISING CIRCULAR TO A RESIDENTIAL ADDRESS IN THE
4 COUNTY (WHETHER DELIVERED IN OR ON A FENCE, RAILING, DOOR, PORCH, LAWN,
5 SIDEWALK OR OTHERWISE) UNLESS THE CIRCULAR CONTAINS A CONSPICUOUS
6 NOTICE, PRINTED IN AT LEAST 12 POINT BOLDFACE TYPE, THAT INCLUDES:

7 (1) THE STATEMENT “IF YOU NO LONGER WISH TO RECEIVE THIS
8 PUBLICATION, PLEASE CALL THE FOLLOWING ~~TOLL-FREE~~ NUMBER:”; AND

9 (2) A TOLL-FREE OR LOCAL TELEPHONE NUMBER THAT A RESIDENT MAY
10 CALL TO NOTIFY THE PUBLISHER THAT THE RESIDENT NO LONGER WISHES TO
11 RECEIVE THE UNSOLICITED ADVERTISING CIRCULAR.

12 (B) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
13 UNSOLICITED ADVERTISING CIRCULAR TO A RESIDENTIAL ADDRESS IN THE
14 COUNTY AFTER 7 DAYS FROM THE DATE THE PUBLISHER RECEIVED NOTICE FROM
15 THE RESIDENT THAT THE RESIDENT DOES NOT WISH TO RECEIVE THE UNSOLICITED
16 CIRCULAR.

17 ~~(C) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
18 UNSOLICITED ADVERTISING CIRCULAR IN OR ON ANY MOTOR VEHICLE IN THE
19 COUNTY.~~

20 21-19-104. PENALTY.

21 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS SUBJECT TO A CIVIL
22 PENALTY.

23 (B) THE AMOUNT OF THE PENALTY MAY NOT EXCEED:

24 (1) \$500 FOR THE FIRST OFFENSE; AND

25 (2) \$1,000 FOR EACH ADDITIONAL OFFENSE.

26 21-19-105. ENFORCEMENT.

27 (A) (1) THE DIRECTOR SHALL ENFORCE THE PROVISIONS OF THIS TITLE IN
28 ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE CODE.

1 (2) THE DIRECTOR MAY ADOPT REGULATIONS, IN ACCORDANCE WITH
2 ARTICLE 3, TITLE 7 OF THE CODE, TO CARRY OUT THE PROVISIONS OF THIS TITLE.
3 (B) THE DIRECTOR MAY ISSUE A CITATION ALLEGING A VIOLATION OF THIS TITLE
4 TO THE PUBLISHER OR TO THE PERSON WHO DELIVERS AN UNSOLICITED
5 ADVERTISING CIRCULAR.

6 SECTION 2. AND BE IT FURTHER ENACTED, that a person subject to the requirements
7 of Article 21, Title 19 of the Baltimore County Code, 2003 shall comply with the requirements of
8 Article 21, Title 19 by no later than January 1, 2010.

9 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, that this Act having been passed by the
10 affirmative vote of five members of the County Council, shall take effect on September 21, 2009.